

AO 470 (Rev. D/NM 1/95) Order of Temporary Detention  
\*\*\*\*\*

**United States District Court**  
District of New Mexico

UNITED STATES OF AMERICA

V.

**ORDER OF TEMPORARY DETENTION  
PENDING HEARING PURSUANT TO  
BAIL REFORM ACT**

**DAKOTA FITZNER**

\*\*\*\*\*

Defendant

Case Number: **05-CR-1849 JH**

Upon motion of the **UNITED STATES OF AMERICA**, it is ORDERED that a  
\*\*\*\*\*  
detention hearing is set for **Monday May 1, 2006** \* at **9:30 a.m.**  
\*\*\*\*\*

before **Honorable Lorenzo F. Garcia** Date Time  
\*\*\*\*\*

\_\_\_\_\_  
Name of Judicial Officer  
**Albuquerque, New Mexico**

\*\*\*\*\*  
\_\_\_\_\_  
Location of Judicial Officer

Pending this hearing, the defendant shall be held in custody by (the United States marshal) ( )  
) and produced for the hearing.

\*\*\*\*\*  
Other Custodial Official

Date: **April 28, 2006**  
\*\*\*\*\*

**Robert Hayes Scott**  
\*\*\*\*\*  
Judicial Officer  
**ROBERT H. SCOTT**  
**U.S. Magistrate Judge**

\_\_\_\_\_  
\*If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. §3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. §3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror.